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UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Florence P. Haseltine
Serial No. : 09/727,593
Filed : December 4, 2000
Title : PROVIDING ELECTRONIC ACCESS TO CONSUMER-CUSTOMIZED
NONVERBAL INFORMATION REGARDING PRODUCTS AND SERVICES

Art Unit : 3625
Examiner : Robert E. Rhode, Jr.

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

(1) Real Party in Interest

The real party in interest is Florence Haseltine.

(2) Related Appeals and Interferences

There are no related appeals and interferences.

(3) Status of Claims

Rejected Claims

1, 3, 4, 6-18, 21, 23, 24, 26-38, 41, 43, 44, 46-58, and 61-96.

Cancelled Claims

2, 5, 19, 20, 22, 25, 39, 40, 42, 45, 59, and 60.

Claims Appealed

1, 3, 4, 6-18, 21, 23, 24, 26-38, 41, 43, 44, 46-58, and 61-96.

(4) Status of Amendments

The amendment filed August 30, 2004 was entered by the advisory action dated November 17, 2004. Initially, as indicated in the advisory action dated October 7, 2004, the August 30th amendment was not entered. Applicant's representative, Kevin Greene, contacted Examiner Rhode on October 20, 2004 to discuss the entry of the amendment. Applicant's representative indicated that he believed the amendment should have been entered because it reduced issues for appeal by simply incorporating dependent claims into the independent claims.

The Examiner indicated that he would review the case and re-consider whether to enter the amendment. The Examiner issued a second advisory action, dated October 28, 2004, that still denied entry of the amendment. On approximately November 10, 2004, Applicant's representative contacted Examiner Coggins (the Supervisory Patent Examiner who signed the advisory action) to again discuss the entry of the amendment. After a discussion with Examiner Coggins, it was agreed that the amendment would be entered. The advisory action dated November 17, 2004, entering the amendment, was then issued.

(5) Summary of Claimed Subject Matter

The subject matter of independent claims 1, 21, 41, 67, 77, and 87 may be employed to allow, for example, a third party to contribute to a consumer's shopping experience without being physically present at the merchant's physical premises. Application, page 2, lines 1-6. For example, a consumer may try on clothing at merchant's retail store. Application, page 7, lines 28-31. The merchant then may take a photograph of the consumer trying on the clothing and load the image onto a merchant system such as a website. Application, page 8, lines 19-25; page 6, lines 10-18. A device that is physically remote from the store, such as a computer executing web browsing software, may be used by a third party to access the merchant website and view the digital photograph so that the third party can see what the clothing looks like on the consumer. Application, page 4, lines 18-21; page 9, lines 1-6.

The third party can then contribute to the shopping experience, e.g., by providing authorization for the purchase of the product, selecting the product to be purchased, or giving the consumer feedback on the product. Application, page 8, lines 9-13. Thus, the consumer can be assisted by third parties during his or her shopping, without the necessity of the third parties being physically present.

More generally, independent claims 1, 21, and 41 are directed to a method, a computer medium or propagated signal, and an apparatus, respectively, for providing a party accessing a merchant system with electronic access to an image of merchandise physically arranged according to a consumer. A consumer is provided with access to physical merchandise at a merchant's physical premises. Application, page 7, lines 24-31. The consumer is allowed to direct the physical arrangement of the physical merchandise at the merchant's physical premises.

Application, page 7, lines 24-31; Fig. 2, element 230. An image of the physical merchandise as physically arranged at the merchant's physical premises according to the consumer is captured and loaded onto a merchant system. Application, page 7, lines 24-31; Fig. 2, element 240. A device, which is physically remote from the merchant's physical premises, is provided with access to the merchant system. Application, page 8, lines 1-13 page 9, lines 1-6; Fig. 2, element 240; Fig. 3, element 340. The party who is operating the device is enabled to access and view the captured image. Application, page 8, lines 1-13 page 9, lines 1-6; Fig. 2, element 250.

Independent claims 67, 77, and 87 are directed to a method, a computer medium or propagated signal, and an apparatus, respectively, for receiving feedback from a party regarding consumer-customized nonverbal information. An electronic version of consumer-customized nonverbal information is collected at a merchant's physical premises. Application, page 7, lines 24-31; Fig. 2, element 240. The electronic version of the consumer-customized nonverbal information is transmitted to a remote site for viewing by a party. Application, page 4, lines 18-23; page 8, lines 1-13; Fig. 2, element 250. Feedback is solicited and received from the party regarding the electronic version of the consumer-customized nonverbal information transmitted to the remote site for viewing by the party. Application, page 4, lines 18-23; page 8, lines 1-13; Fig. 2, element 260; Fig. 3, element 350.

(6) Grounds of Rejection

Claims 67, 77, and 87 are rejected as anticipated by U.S. Patent No. 5,551,021 (Harada).

Claims 1, 3, 4, 6-18, 21, 23, 24, 26-38, 41, 43, 44, 46-58, and 61-66, 68-76, and 78-96 are rejected as obvious over Harada in view of U.S. Patent No. 6,578,072 (Watanabe).

Claims 1, 21, and 41 were initially rejected as anticipated by Harada and claims 2, 22, and 42 were rejected as obvious over Harada in view of Watanabe. In the response filed August 30, 2004, Applicant incorporated the features of claims 2, 22, and 42 into independent claims 1, 21, and 41, respectively. As described above in section 4 (Status of Amendments), this amendment was entered by the advisory action dated November 17, 2004. However, this advisory action did not contain an explanation of how the amended claims would be rejected. Applicant's representative, Kevin Greene, contacted Examiner Rhode on November 19, 2004 to discuss how the claims would be rejected in light of the entered amendment. Examiner Rhode

indicated that claims 1, 21, and 22 would be rejected for the same reason as claims 2, 22, and 42, respectively, and that the other claims dependent on claims 1, 21, and 41 would be rejected as they were in the office action dated April 29, 2004. Thus, claims 1, 21, and 41, and those claims depending from them, are rejected as obvious over Harada in view of Watanabe.

(7) Argument

Rejections under 35 USC 102

The Examiner has not established a *prima facie* case of anticipation with respect to independent claims 67, 77, and 87. To establish a *prima facie* case of anticipation, a single reference must disclose all of the claim elements. MPEP 2131. However, as conceded by the April 29th Office Action, Harada does not disclose “receiving feedback from the party,” as recited in claims 67, 77, and 87. April 29th Office Action, Page 8, Lines 2-18 (“Harada does not specifically disclose and teach . . . receiving feedback from the party” such as “authorization” or a “recommendation for purchase,” for example, when “the consumer and party are different entities.”). Moreover, as conceded, at least implicitly, in the April 29th Office Action, Harada does not disclose or suggest “transmitting the electronic version of the consumer-customized nonverbal information to a remote site for viewing by a party,” as recited in independent claims 67, 77, and 87. See April 29th Office Action, Page 8, Lines 2-18 (“Harada does not specifically disclose and teach a method, wherein the device is physically remote from the merchant’s physical premises.”).

Accordingly, Harada does not disclose all of the limitations of independent claims 67, 77, and 87 and, consequently, does not anticipate independent claims 67, 77, and 87, or the claims that depend from them. For at least the foregoing reasons, Applicant requests that the rejections of these claims be reversed.

Rejections Under 35 USC 103

1. A combination of Harada and Watanabe as suggested by the Examiner would be directly contrary to the teachings of Harada and the intended use of Harada’s

invention, and therefore, Harada and Watanabe do not render obvious claims 1, 3, 4, 6-18, 21, 23, 24, 26-38, 41, 43, 44, 46-58, and 61-66, 68-76, and 78-96.

One of skill in the art, upon reading Harada and Watanabe, would not have been motivated to combine the teachings of these references to obtain the subject matter presently claimed in independent claims 1, 21, and 41 (or independent claims 67, 77, and 87)¹, particularly because doing so would be directly contrary to the intended manner of using Harada's invention and, therefore, directly contrary to the teachings of Harada.

Harada describes a customer management system in which digital photographs of a customer trying on clothes are stored in a customer management system for future use by the store employees. *Only* retail store employees, *located in the store*, have access to the digital photographs stored in the Harada customer management system. Accordingly, the Examiner concedes that Harada does not describe providing a device that is physically remote from the merchant site with access to the merchant system (claims 1, 21, and 41), transmitting the electronic image to a remote site for viewing by a party (claims 67, 77, and 87), or soliciting and receiving feedback from the party (claims 14, 34, 54, 67, 77, and 87). Office Action, Page 8, Lines 2-18 ("Harada does not specifically disclose and teach a method, wherein the device is physically remote from the merchant's physical premises" or "receiving feedback from the party").

In an attempt to establish a *prima facie* case of obviousness with respect to claims 1, 21, and 41, the Examiner therefore relies on Watanabe for these features, contending that one of skill in the art would have been motivated to incorporate features of Watanabe into Harada to allow the consumer, as well as others outside of the merchant site, to view a captured image stored on the merchant system. Office Action, Page 12, Lines 17-18.

Applicant disagrees. Harada and Watanabe, either singly or in combination, do not render obvious the subject matter of claims 1, 21, and 41. Nor do they render obvious the subject matter of claims 67, 77, and 87.

¹ While the Examiner did not reject claims 67, 77, and 87 as obvious over Harada in view of Watanabe, Applicant will also address these claims in an attempt to expedite prosecution of this case, particularly because the Examiner has used the combination of Harada and Watanabe to reject claims dependent 14, 34 and 54, which are dependent claims reciting features similar to those recited by claims 67, 77 and 87.

To establish a *prima facie* case of obviousness, "there must be some suggestion or motivation . . . to modify the reference." MPEP 2143. However, in the present case, there is no motivation because the Examiner's proposed modification of Harada's invention based on Watanabe is directly contrary to the teachings of Harada.

When Harada is considered in full, it is clear that the intended manner of using Harada's customer management system includes keeping the stored photographs a secret from the customer. Incorporating features that allow the customer, as well as others, to view the stored photographs of the customer trying on clothes would destroy this secrecy and, therefore, would be directly contrary to the teachings of Harada.

Specifically, in all of the usage scenarios described by Harada, except one, the electronic image in the digital camera is not downloaded to the customer management system until "*after* the customer leaves the shop." Harada, Col. 9, Line 11-12; Col. 9, Line 55-56; Col. 10, Line 28-29 (emphasis added). Thus, Harada explicitly prevents the customer from viewing the photograph stored in data storage section 22, or even of knowing about its existence, and systematically describes doing so.

The one exception to this is when the customer is coming to the store to decide on some custom made clothing. The employee photographs the customer, but not any merchandise. That is, the picture is simply of the customer, not the customer trying on clothing. Harada, Col. 10, Line 53-62. This image of the customer is combined with some computerized images to show the customer what he or she would look like wearing differently designed clothing.

Even in this scenario, however, Harada teaches that it is desirable to prevent the customer from knowing that previous photographs of the customer trying on clothing has been stored in the customer management system: "As the customer is shown only the image of the customer photographed in the step S126, therefore, the customer *cannot know* that the images photographed at other timings are utilized in customer management." Harada, Col. 10, Lines 62-65 (emphasis added).

From this, it is clear that Harada, when considered as a whole, actually teaches away from the proposed modification suggested by the Examiner in attempting to meet the presently pending claims, specifically, a modification of Harada's customer management system that allows the customer, as well as others outside the store, to view the images stored in the

customer management system. Accordingly, even assuming arguendo that Watanabe discloses providing access to a device that is physically remote from the merchant site, transmitting the electronic image to a remote site for viewing by a party, or receiving feedback from the party, a combination of Harada with Watanabe to achieve a system in which the customer, as well as others outside the store, are capable of viewing the stored images is improper, as it is inconsistent with the teachings of Harada against the customer knowing that the photograph is stored in the customer management system.

Thus, one of skill in the art, reading Harada and Watanabe, would not have been motivated to incorporate the aspects of Watanabe suggested by the Examiner because it would defeat the purposes and goals of Harada, and is directly contrary to the teachings of Harada. Harada and Watanabe therefore fail to render obvious independent claims 1, 21, 41, 67, 77, and 87, or the claims that depend from them. Accordingly, Applicant requests that the rejections of claims 1, 21, and 41, and the claims that depend from them, be reversed.

2. Harada and Watanabe fail to disclose all of the claim limitations of claims 15, 16, 35, 36, 55, 56, 68, 69, 78, 79, 88, and 89.

Harada and Watanabe do not render obvious claims 15, 16, 35, 36, 55, 56, 68, 69, 78, 79, 88, and 89 because neither Harada or Watanabe disclose feedback that includes an authorization for purchase of physical merchandise or a recommendation for purchase, as recited in these claims.

The Examiner concedes that Harada does not disclose the features of claims 15, 16, 35, 36, 55, 56, 68, 69, 78, 79, 88, and 89. Office Action, Page 8, Lines 2-18 (“Harada does not specifically disclose and teach a method . . . wherein the feedback includes an authorization for purchase of the physical merchandise and wherein the feedback includes a recommendation for purchase.”). In an attempt to establish a prima facie case of obviousness with respect to claims 1, 21, and 41, the Examiner relies on Watanabe for these features.

However, Watanabe does not disclose these features.

“To establish a prima facie case of obviousness, [the combined references] must teach or suggest all the claim limitations.” MPEP 2143. As Watanabe does not disclose feedback that includes an authorization for purchase of physical merchandise or a recommendation for

purchase, Harada and Watanabe do not render claims 15, 16, 35, 36, 55, 56, 68, 69, 78, 79, 88, and 89 obvious.

Watanabe is directed to providing a virtual photo album on a website and allowing particular users to attach comments to the pictures in the virtual photo album "in the same manner as writing a comment on a paper album being circulated." Watanabe, Col. 5, Lines 2-3. When Watanabe is reviewed fully, it can be seen that Watanabe does not describe purchasing merchandise, much less receiving an authorization for a purchase of physical merchandise or a recommendation for purchase. Accordingly, the description of the comments in Watanabe do not disclose or suggest feedback that includes an authorization for purchase of physical merchandise or a recommendation for purchase.

The Examiner, at least implicitly, acknowledges that Watanabe does not disclose or suggest feedback that includes an authorization for purchase of physical merchandise or a recommendation for purchase, but contends that such recitations do not have patentable weight. Office Action, Page 11, Lines 1-11 ("Please note that the recitations 'wherein the feedback includes authorization for purchase of the physical merchandise' and 'wherein the feedback includes a recommendation for purchase', such recitation [sic] are given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other 'feedback' already disclosed by Watanabe").

However, "[a]ll words in a claim must be considered in judging the patentability of [the] claim against the prior art." MPEP 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). As such, the Examiner can not ignore this claim language that defines features not disclosed or suggested by Harada or Watanabe.

Harada and Watanabe accordingly fail to establish a *prima facie* case of obviousness when all of the words in claims 15, 16, 35, 36, 55, 56, 68, 69, 78, 79, 88, and 89 are considered. Consequently, the rejections of claims 15, 16, 35, 36, 55, 56, 68, 69, 78, 79, 88, and 89 should be reversed.

The brief fee of \$170 is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Applicant : Florence P. Haseltine
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Attorney's Docket No.: 12000-002001

Respectfully submitted,

Date: 11/30/04



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Appendix of Claims

1. A method for providing a party accessing a merchant system with electronic access to an image of merchandise physically arranged according to a consumer, the method comprising:

providing a consumer with access to physical merchandise at a merchant's physical premises;

allowing the consumer to direct physical arrangement of the physical merchandise at the merchant's physical premises;

capturing an image of the physical merchandise as physically arranged at the merchant's physical premises according to the consumer;

loading the captured image onto a merchant system;

providing a device with access to the merchant system, wherein the device is physically remote from the merchant's physical premises; and

enabling a party who is operating the device to access and view the captured image.

2. (Cancelled).

3. The method of claim 2, wherein the captured image includes one or more still photos.

4. The method of claim 2, wherein the captured image includes a video clip.

5. (Cancelled).

6. The method of claim 1, wherein the captured image reflects a relationship between the physical merchandise and the consumer.

7. The method of claim 6, wherein the physical merchandise includes at least one clothing garment and the image reflects the consumer wearing the clothing garment.

8. The method of claim 6, wherein the physical merchandise includes at least one tool, and the image reflects the consumer operating the tool.

9. The method of claim 1, wherein enabling a party who is operating the device to access and view the captured image comprises enabling the party who is operating the device to access and view the captured image in real time.

10. The method of claim 1, further comprising storing the captured image in the merchant system for later access by the device.

11. The method of claim 1, wherein enabling a party who is operating the device to access and view the captured image comprises authenticating the party and denying access by the device when the party is not authenticated properly.

12. The method of claim 11, wherein authenticating includes receiving authenticating information from the party and comparing the authenticating information with information provided by the consumer.

13. The method of claim 1, wherein enabling a party who is operating the device to access and view the captured image comprises using the Internet as a communication medium to transmit the captured image from the merchant system to the device.

14. The method of claim 1, further comprising receiving feedback from the party.

15. The method of claim 14, wherein the feedback includes authorization for purchase of the physical merchandise.

16. The method of claim 14, wherein the feedback includes a recommendation for purchase.

17. The method of claim 14, wherein the consumer and party are a single entity.

18. The method of claim 1, wherein the consumer and party are different entities.

19-20. (Cancelled)

21. A computer medium or propagated signal storing a computer program capable of providing a party accessing a merchant system with electronic access to an image of merchandise physically arranged according to a consumer, wherein the consumer is provided with access to physical merchandise at a merchant's physical premises and the consumer is allowed to direct physical arrangement of the physical merchandise at the merchant's physical premises, the program comprising:

a capturing code segment to capture an image of the physical merchandise as physically arranged at the merchant's physical premises according to the consumer;

a loading code segment to load the captured image onto a merchant system;

a providing code segment to provide a device with access to the merchant system, wherein the device is physically remote from the merchant's physical premises; and

an enabling code segment to enable a party who is operating the device to access and view the captured image.

22. (Cancelled).

23. The medium of claim 22, wherein the captured image includes one or more still photos.

24. The medium of claim 22, wherein the captured image includes a video clip.

25. (Cancelled).

26. The medium of claim 21, wherein the image reflects a relationship between the physical merchandise and the consumer.

27. The medium of claim 26, wherein the physical merchandise includes at least one clothing garment and the image reflects the consumer wearing the clothing garment.

28. The medium of claim 26, wherein the physical merchandise includes at least one tool, and the image reflects the consumer operating the tool.

29. The medium of claim 21, wherein the enabling code segment includes code to enable a party who is operating the device to access and view the captured image in real time.

30. The medium of claim 21, further comprising a storing code segment for storing the image in the merchant system for later access by the device.

31. The medium of claim 21, wherein the enabling code segment includes an authenticating code segment for authenticating the party and denying access by the device when the party is not authenticated properly.

32. The medium of claim 31, wherein the authenticating code segment includes a code segment for receiving authenticating information from the party and comparing the authenticating information with information provided by the consumer.

33. The medium of claim 31, wherein the enabling code segment includes a code segment for using the Internet as a communication medium to transmit the captured image from the merchant system to the device.

34. The medium of claim 31, further comprising a code segment for receiving feedback from the party.

35. The medium of claim 34, wherein the feedback includes authorization for purchase of the physical merchandise.

36. The medium of claim 34, wherein the feedback includes a recommendation for purchase.

37. The medium of claim 34, wherein the consumer and party are a single entity.

38. The medium of claim 21, wherein the consumer and party are different entities.

39-40. (Cancelled).

41. An apparatus capable of providing a party accessing a merchant system with electronic access to an image of merchandise physically arranged according to a consumer, wherein the consumer is provided with access to physical merchandise at a merchant's physical premises and the consumer is allowed to direct physical arrangement of the physical merchandise at the merchant's physical premises, the apparatus comprising:

a capturing device to capture an image of the physical merchandise as physically arranged at the merchant's physical premises according to the consumer;

a loading device to load the captured image onto a merchant system;

a providing device to provide a device with access to the merchant system, wherein the device is physically remote from the merchant's physical premises; and

an enabling device to enable a party who is operating the device to access and view the captured image.

42. (Cancelled).

43. The apparatus of claim 42, wherein the captured image includes one or more still photos.

44. The apparatus of claim 42, wherein the captured image includes a video clip.
45. (Cancelled).
46. The apparatus of claim 41, wherein the image reflects a relationship between the physical merchandise and the consumer.
47. The apparatus of claim 46, wherein the physical merchandise includes at least one clothing garment and the image reflects the consumer wearing the clothing garment.
48. The apparatus of claim 46, wherein the physical merchandise includes at least one tool, and the image reflects the consumer operating the tool.
49. The apparatus of claim 41, wherein the enabling device includes a component to enable the party who is operating the device to access and view the captured image in real time.
50. The apparatus of claim 41, further comprising a storing device to store the image for later access by the device.
51. The apparatus of claim 41, wherein the enabling device includes an authenticating component to authenticate the party and deny access by the device when the party is not authenticated properly.
52. The apparatus of claim 51, wherein the authenticating component includes a component to receive authenticating information from the party and compare the authenticating information with information provided by the consumer.
53. The apparatus of claim 51, wherein the enabling device includes a component to use the Internet as a communication medium to transmit the captured image from the merchant system to the device.

54. The apparatus of claim 51, further comprising a feedback device to receive feedback from the party.

55. The apparatus of claim 54, wherein the feedback includes authorization for purchase of the physical merchandise.

56. The apparatus of claim 54, wherein the feedback includes a recommendation for purchase.

57. The apparatus of claim 54, wherein the consumer and party are a single entity.

58. The apparatus of claim 41, wherein the consumer and party are different entities.

59-60. (Cancelled)

61. The method of claim 1, wherein allowing the consumer to direct physical arrangement of the physical merchandise comprises allowing the consumer to provide instructions to a third party regarding the physical arrangement of the physical merchandise.

62. The method of claim 1, wherein allowing the consumer to direct physical arrangement of the physical merchandise comprises allowing the consumer to physically interact with the physical merchandise.

63. The method of claim 62, wherein capturing an image of the physical merchandise as physically arranged according to the consumer comprises capturing an image of the consumer physically interacting with the physical merchandise.

64. The method of claim 62, wherein allowing the consumer to physically interact with the physical merchandise comprises allowing the consumer to wear the physical merchandise.

65. The medium of claim 21, wherein the consumer being allowed to direct physical arrangement of the physical merchandise comprises the consumer being allowed to physically interact with the physical merchandise, and wherein the capturing code segment comprises a code segment to capture an image of the consumer physically interacting with the physical merchandise.

66. The apparatus of claim 41, wherein the consumer being allowed to direct physical arrangement of the physical merchandise comprises the consumer being allowed to physically interact with the physical merchandise, and wherein the capturing device comprises a device to capture an image of the consumer physically interacting with the physical merchandise.

67. A method for receiving feedback from a party regarding consumer-customized nonverbal information, the method comprising:

collecting, at a merchant's physical premises, an electronic version of consumer-customized nonverbal information;

transmitting the electronic version of the consumer-customized nonverbal information to a remote site for viewing by a party;

soliciting feedback from the party regarding the electronic version of the consumer-customized nonverbal information transmitted to the remote site for viewing by the party; and

receiving feedback from the party regarding the electronic version of the consumer-customized nonverbal information transmitted to the remote site for viewing by the party.

68. The method of claim 67, wherein the feedback includes authorization for purchase of the physical merchandise.

69. The method of claim 67, wherein the feedback includes a recommendation for purchase.

70. The method of claim 67, wherein receiving feedback from the party regarding the electronic version of the consumer-customized nonverbal information transmitted to the remote site for viewing by the party comprises receiving the feedback at the merchant's physical premises.

71. The method of claim 67, wherein the consumer-customized nonverbal information comprises physical merchandise physically arranged according by a consumer, the method further comprising:

providing the consumer with the physical merchandise at a merchant's physical premises;
and

allowing the consumer to physically arrange the physical merchandise.

72. The method of claim 71, wherein collecting an electronic version of consumer-customized nonverbal information comprises capturing an image of the physical merchandise as physically arranged by the consumer.

73. The method of claim 67, further comprising allowing the consumer to designate the party from whom feedback is solicited.

74. The method of claim 67, further comprising collecting information from the consumer that identifies the party.

75. The method of claim 67, wherein the consumer-customized nonverbal information comprises physical merchandise physically arranged according to a consumer, the method further comprising:

receiving instructions from a consumer; and

physically arranging the physical merchandise according to the received instructions.

76. The method of claim 75, wherein receiving instructions from a consumer comprises receiving the instructions at the merchant's physical premises from the consumer located a site physically remote from the merchant's premises.

77. A computer medium or propagated signal storing a computer program capable of receiving feedback from a party regarding consumer-customized nonverbal information, the program comprising:

- a collecting code segment to collect, at a merchant's physical premises, an electronic version of consumer-customized nonverbal information;

- a transmitting code segment to transmit the electronic version of the consumer-customized nonverbal information to a remote site for viewing by a party;

- a soliciting code segment to enable solicitation of feedback from the party regarding the electronic version of the consumer-customized nonverbal information transmitted to the remote site for viewing by the party; and

- a receiving code segment to receive feedback from the party regarding the electronic version of the consumer-customized nonverbal information transmitted to the remote site for viewing by the party.

78. The program of claim 77, wherein the feedback includes authorization for purchase of the physical merchandise.

79. The program of claim 77, wherein the feedback includes a recommendation for purchase.

80. The program of claim 77, wherein the receiving code segment comprises a code segment to receive the feedback at the merchant's physical premises.

81. The program of claim 77, wherein the consumer-customized nonverbal information comprises physical merchandise physically arranged according to a consumer.

82. The program of claim 81, wherein the collecting code segment comprises a code segment to capture an image of the physical merchandise as physically arranged according to the consumer.

83. The program of claim 77, further comprising a code segment to allow the consumer to designate the party from whom feedback is solicited.

84. The program of claim 77, further comprising a code segment to collect information from the consumer that identifies the party.

85. The program of claim 77, wherein the consumer-customized nonverbal information comprises physical merchandise physically arranged according to a consumer, the program further comprising a code segment to receive instructions from a consumer such that the physical merchandise can be physically arranged according to the received instructions.

86. The program of claim 85, wherein the code segment to receive instructions from a consumer comprises a code segment to receive the instructions at the merchant's physical premises from the consumer located a site physically remote from the merchant's premises.

87. An apparatus capable of receiving feedback from a party regarding consumer-customized nonverbal information, the apparatus comprising:

a collecting device to collect, at a merchant's physical premises, an electronic version of consumer-customized nonverbal information;

a transmitting device to transmit the electronic version of the consumer-customized nonverbal information to a remote site for viewing by a party;

a soliciting device to enable solicitation of feedback from the party regarding the electronic version of the consumer-customized nonverbal information transmitted to the remote site for viewing by the party; and

a receiving device to receive feedback from the party regarding the electronic version of the consumer-customized nonverbal information transmitted to the remote site for viewing by the party.

88. The apparatus of claim 87, wherein the feedback includes authorization for purchase of the physical merchandise.

89. The apparatus of claim 87, wherein the feedback includes a recommendation for purchase.

90. The apparatus of claim 87, wherein the receiving device comprises a device to receive the feedback at the merchant's physical premises.

91. The apparatus of claim 87, wherein the consumer-customized nonverbal information comprises physical merchandise physically arranged according to a consumer.

92. The apparatus of claim 91, wherein the collecting device comprises a device to capture an image of the physical merchandise as physically arranged according to the consumer.

93. The apparatus of claim 87, further comprising a device to allow the consumer to designate the party from whom feedback is solicited.

94. The apparatus of claim 87, further comprising a device to collect information from the consumer that identifies the party.

95. The apparatus of claim 87, wherein the consumer-customized nonverbal information comprises physical merchandise physically arranged according to a consumer, the apparatus further comprising a device to receive instructions from a consumer such that the physical merchandise can be physically arranged according to the received instructions.

96. The program of claim 95, wherein the device to receive instructions from a consumer comprises a device to receive the instructions at the merchant's physical premises from the consumer located a site physically remote from the merchant's premises.